

melt-blowing die at an intrinsic viscosity of 0.6 (page 6 lines 18-19 and 24-25), would lead one of ordinary skill to appreciate that the PET resin had not become degraded (which would lead to a drop in the intrinsic viscosity) prior to being extruded through the orifices.

With regard to the claim element of the PET resin having an intrinsic viscosity of between about 0.45 and 0.75, this is supported at least by original claim 2 and by the discussion on page 11 lines 7-16.

Reconsideration of the application in view of the remarks below is requested.

Interview Summary

Interview
record
OK
/PB/
14 July
2009

Applicant appreciates the courtesy extended by Examiner Butler during the telephone interview with applicant's representative (Kenneth B. Wood, #58,737) on March 10. During the interview, possible amendments to claim 1 were discussed (these amendments are in this response as new claim 12 rather than amendments to claim 1). In particular, support for the "undegraded" claim element was discussed.

§ 102/103 Rejections

Claims 1-3 are rejected as being anticipated by, or, in the alternative, as obvious over, Buntin (United States Patent No. 3,849,241).

Independent claim 1: 102(b) rejection

In making the 102(b) rejection of claim 1, the Examiner asserts that Buntin anticipates claim 1. Applicant respectfully disagrees. It is a well-known axiom of patent law that in order to anticipate a claim, "the elements must be arranged as required by the claim" (M.P.E.P. 2131). This principle was recently clarified by the CAFC in the *Net MoneyIN, Inc. v. Verisign* decision (545 F.3d 1359; 88 U.S.P.Q.2D 1751), in which the court declared:

The "arranged as in the claim" requirement..refers to the need for an anticipatory reference to show all of the limitations of the claims arranged or combined in the way as recited in the claims.

In this decision the court specifically singled out the absence, in an allegedly anticipatory reference, of a link between one claim element disclosed in the reference in the course of a general discussion of one subject, and another claim element disclosed in the discussion of another subject,